REMARKS

In the Advisory Action dated February 24, 2003, Claims 39-40 are pending. Claims 39-40 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enabling support. Claim 39 has been rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking descriptive support.

Applicants, through the undersigned, wish to thank Examiner Ewoldt for the courtesy and assistance provided in connection with a telephonic interview conducted on March 27, 2003.

This response addresses each of the Examiner's rejections. Applicants therefore respectfully submit that the present application is in condition for allowance or at least in better position for appeal. Favorable consideration of all pending claims is therefore respectfully requested.

Claims 39-40 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enabling support. In the Office Action dated October 25, 2001, the Examiner recognized that the specification teaches how to make the peptides of the present invention and appeared to concede that the peptides of the present invention, e.g., SEQ ID NO: 1 and SEQ ID NO: 2 can induce *in vitro* proliferation of T-cells obtained from IDDM-at risk subjects. However, in the Final Office Action the Examiner rejected Claims 39 and 40 together with Claims 42-43 which are directed to the methods of treating IDDM. The Examiner specifically alleged that the specification failed to establish a link between T-cell proliferation assay results and methods of treating and diagnosing IDDM. During the course of an interview conducted on December 17, 2002, the Examiner requested evidence to demonstrate at least one intended use of the products of Claims 39-40. In response,

Applicants submitted that the specification discloses the use of the product of Claims 39-40 in diagnosis. During the course of a telephonic interview conducted on March 27, 2003, Applicants noted that pending Claims 39 and 40 were of different scope. In the Advisory Action, the Examiner alleges that the specification fails to enable all of the peptides recited by Claims 39-40. The Examiner appears to agree that the specification provides enabling support for peptides including SEQ ID NO: 1 and SEQ ID NO: 2.

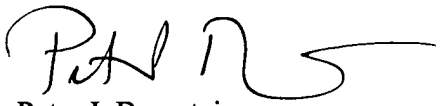
In response and in an effort to expedite allowance of the present application, Applicants have cancelled Claims 39-40, without prejudice. The subject matter of Claim 40 has now been incorporated into Claims 45-46. Applicants reserve the right to file one or more continuation applications directed to the subject matter of the canceled claims.

By the present amendment, Claims 45-46 are directed to peptides consisting of SEQ ID NO: 1 and SEQ ID NO: 2 which are capable of inducing *in vitro* proliferation of T-cells. Support for Claims 45-46 can be found throughout the specification and particularly, at page 2, lines 21-32, page 3, lines 7-10 and lines 17-22, page 7, lines 4-19, page 9, line 10 to page 11, line 1, Examples 4, 5 and 6, starting at page 15, and original Claim 7. Accordingly, the rejection of Claims 39-40 under 35 U.S.C. §112, first paragraph, is overcome and withdrawal thereof is therefore respectfully requested.

Claim 39 has also been rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking descriptive support. Applicants have cancelled Claim 39, without prejudice. Accordingly, the rejection of Claim 39 under 35 U.S.C. §112, first paragraph, is overcome and withdrawal thereof is therefore respectfully requested.

Accordingly, in view of the foregoing amendments and remarks, the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PIB/ZY:ab